

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 8227 of 1996

Between:

Nookapally Gram Panchayat rep. by Sarpanch Ch. Gangaiah S/o Lingaiah, R/o
Nookapally, Mallial (M), Karimnagar Dist.

..... PETITIONER

AND

- 1 Govt. of A.P. rep. by Secretary to Govt.
Education Dept., Secretariat,
Hyderabad
- 2 Regional Joint Director of School Education
Warangal, Warangal Dist.
- 3 District Educational Officer
Karimnagar, Karimnagar Dist.
- 4 Chief Executive Officer
Zilla Parishad, Karimnagar, Karimnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, declaring the order of the 4th respondent in Proceedings No.C2/3505/95 dt: 14-3-96 as illegal, arbitrary, unauthorised and without jurisdiction and consequently set aside the same.

Counsel for the Petitioner : MR.V.RAVINDRA RAO

Counsel for the Respondents NO.1 TO 3: GP FOR SCHOOL EDUCATION

The Court made the following :

ORAL ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the 4th respondent in passing the impugned order dated 14.3.1996 under which he had directed the concerned authorities to shift the Zilla Parishad Secondary School, situated at Nukapally village to Ramannapet village on the ground that the 4th respondent has no jurisdiction apart from other infirmities in the order.

2. It is stated in the affidavit filed in support of the writ petition that the Secondary School was established at Nukapally in the year 1966 and it was catering to the needs of the villages of not only Nukapally but also surrounding villages including the Ramannapet village. The distance between these two villages is about one kilometer. However, by the impugned order the 4th respondent ordered shifting of the School from Nukapally to Ramannapet on the ground that some inconvenience is being caused to the students of Ramannapeta and other villages. Aggrieved by that, the present writ petition has been filed.

3. A counter has been filed on behalf of the respondents by the 3rd respondent stating that during the pendency of the writ petition another Zilla Parishad Secondary School has come up in the Ramannapet village in addition to the existing Zilla Parishad Secondary School. In view of the two schools established in the two villages, there was no need to shift the present Zilla Parishad Secondary School at Nukapally.

4. In view of the said counter filed by the 3rd respondent, the impugned order passed by the 4th respondent is set aside.

5. The writ petition is accordingly allowed. No costs.

S.Ananda Reddy, J.

Dt. 02.12.2004

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Devinder Gupta, the Chief Justice on this the Thursday, the Second day of November, Two thousand and four.

ASSISTANT REGISTRAR

To

- 1 The Secretary to Govt.
Education Dept., Secretariat,
Hyderabad
- 2 Regional Joint Director of School Education
Warangal, Warangal Dist.
- 3 District Educational Officer
Karimnagar, Karimnagar Dist.
- 4 Chief Executive Officer
Zilla Parishad, Karimnagar, Karimnagar Dist.
- 5. Two copies to G.P. for School Education (OUT)
- 6. Two CD Copies.

Kvh

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P.No. 8227 of 1996

ORAL ORDER

02..12..2004